

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL NO. 2:06CR31

UNITED STATES OF AMERICA

VS.

BRADLEY DALE WAYCASTER

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ORDER

THIS MATTER is before the Court on Defendant's response to the Court's Order filed April 1, 2008, requesting Defendant to advise the Court as to whether or not he agreed for the Court to construe his "Motion to Grant Counsel pursuant to the Sixth Amendment of the United States Constitution," filed March 3, 2008, as a first petition under 28 U.S.C. § 2255. **Petitioner's Trasverse (sic), Amendment and Defendant-Petitioner-Initiated Motion Under § 2255 to Vacate, Set Aside, or Correct a Sentence, filed April 16, 2008.**

The Court has reviewed the Petitioner's response and finds that the Petitioner has affirmatively requested that the motion filed March 3, 2008, be construed as a first petition pursuant to 28 U.S.C. § 2255.

IT IS, THEREFORE, ORDERED that the Clerk file the Petitioner's "Motion to Grant Counsel pursuant to the Sixth Amendment of the United States Constitution," as a civil action pursuant to 28 U.S.C. § 2255, with a filing date thereon of March 3, 2008.

IT IS FURTHER ORDERED that the Clerk file the Court's April 1, 2008, Order, the Petitioner's response thereto, and this Order in the § 2255 action as well.

Signed: May 27, 2008

A handwritten signature in black ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

